

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19cr849 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
MANUEL BRITO,	:	
	:	
Defendant.	:	
-----X	:	

DENISE COTE, District Judge:

On November 22, 2019, an information was filed charging the defendant, Manuel Brito, and his wife, Kiabeth Brito, each with one count of conspiracy to distribute and possess with intent to distribute oxycodone outside the scope of professional practice and not for a legitimate medical purpose, in violation of 21 U.S.C. § 841(a)(1) and § 846, and one count of conspiracy to commit health care fraud, in violation of 18 U.S.C. § 1349. Both Manuel and Kiabeth waived indictment and pleaded guilty to the counts against them.

At a sentencing proceeding of February 28, 2020, the Court varied substantially from the sentencing guidelines and imposed lesser terms of incarceration. Both Manuel and Kiabeth's sentencing guidelines range was 37 to 46 months' incarceration. Manuel was sentenced principally to six months' incarceration and three years of supervised release. Kiabeth was sentenced principally to time served and three years of supervised


release. As a special condition of supervised release, Kiabeth was required to serve 52 weekends in a residential reentry facility. In imposing sentence, the Court considered the § 3553(a) factors, including the defendants' family obligations and the health of their family members. The Court also staggered the effective date of the terms of Manuel's imprisonment and Kiabeth's stay in the residential reentry facility. As Kiabeth was scheduled to give birth in May 2020, her surrender date was set for August 1, 2020. Manuel's surrender date was scheduled for June 8, 2020.

On April 6, 2020, Manuel requested that his surrender date be postponed by sixty days from his scheduled surrender date in light of the COVID-19 pandemic. The Government consented to his request. An Order of May 20 postponed Manuel's surrender date by roughly one month, to July 6, 2020. On June 29, Manuel requested a further postponement of his surrender date either by 90 days or until there is a vaccine for the COVID-19 virus. The Government consents to Manuel's request for a postponement of 90 days. Having considered this entire record, including the arguments in the June 29 letter and the impact of COVID-19 on this City and the Bureau of Prisons, it is hereby

ORDERED that the defendant Manuel Brito's request to

further extend his surrender is denied. He is required to surrender as scheduled on **July 6, 2020**.

Dated: New York, New York  
July 1, 2020

  
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DENISE COTE  
United States District Judge